

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DEREK ALLAN OFENHAM,

2:13-CV-00006-HU

Petitioner,

ORDER

v.

RICK COURSEY,

Respondent.

BROWN, Judge.

Magistrate Judge Dennis James Hubel issued Findings and Recommendation (#29) on August 6, 2014, in which he recommends the Court deny Petitioner Derek Allan Ofenham's Petition (#1) for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254, dismiss this matter with prejudice, and grant a certificate of appealability only as to Petitioner's first ground for relief. Petitioner filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). See also *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*).

In his Objections Petitioner reiterates the arguments contained in his Petition and Memorandum in Support of Petition. This Court has carefully considered Petitioner's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Hubel's Findings and Recommendation (#29), **DENIES** the Petition (#1) for Writ of Habeas Corpus, **DISMISSES** this matter **with prejudice**, and **GRANTS** a certificate of appealability only as to Petitioner's first ground

for relief.

IT IS SO ORDERED.

DATED this 7th day of November, 2014.


ANNA J. BROWN
United States District Judge